THE HON'BLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION No.24496 of 1998

Date: 05.07.2006

Between:

G. Kona Reddy

… PETITIONER

AND

The Prohibition & Excise Inspector,
Yellareddy, Nizamabad District.

… RESPONDENT

ORDER:

Heard Sri K. Raghuveer Reddy, learned counsel for the petitioner and learned Government Pleader for Excise on behalf of the respondent.

The petitioner filed this writ petition, *inter alia*, seeking a writ of Mandamus against the impugned notice dated 13.08.1998, which has been issued under Form No.I by the respondent under Section 8 of A.P. Revenue Recovery Act II of 1864, calling upon him for recovery of certain amounts towards revenue arrears.

The main submission made on behalf of the petitioner is that under the provisions of the Revenue Recovery Act (for short "the Act"), the respondent is not empowered to pass the impugned order, as the District Collector is the competent authority to issue the same. It is further submitted that the petitioner has no notice nor there is any enquiry with regard to the determination of the revenue arrears. Hence, the present writ petition.

Counter-affidavit has been filed by the respondent, wherein there is no mention nor any averment as to the determination of the actual arrears due from the petitioner and about the issuance of the impugned notice by the respondent in accordance with the provisions of the Act.

Having regard to the submissions made by the learned counsel and admittedly there being no proper determination as to the quantum of liability of the petitioner, the impugned notice is liable to be set aside.

The writ petition is accordingly, allowed and the impugned notice is set aside. It is open for the competent authority to take appropriate action as required under law for determination of the actual arrears due from the petitioner and proceed in accordance with law. No costs.

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B. PRAKASH RAO, J

Date: 05.07.2006
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